

Message Text

UNCLASSIFIED

PAGE 01 BERN 03536 030241Z

63

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-05 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 /037 W

----- 108556

R 021131Z AUG 76

FM AMEMBASSY BERN

TO SECSTATE WASHDC 2966

UNCLAS BERN 03536

EO 11652: N/A

TAGS: EAIR, SZ

SUBJ: CIVIL AVIATION AGREEMENT; EXCESS BAGGAGE RATES

REF: STATE 154746; B) BERN 2615

1. EMBASSY HAS RECEIVED FOLLOWING NOTE FROM SWISS FEDERAL
POLITICAL DEPT IN REPLY TO EMBASSY'S NOTE TRANSMITTING
MESSAGE CONTAINED PARA 4 REF A:

2. QUOTE:

FEDERAL POLITICAL DEPARTMENT NOTE S.O. 625.21. USA

THE FEDERAL POLITICAL DEPARTMENT PRESENTS ITS COMPLIEMNTS
TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE
HONOUR TO REFER TO THE EMBASSY'S NOTE NO 60 OF JULY 1976
RECEIVED ON JULY 7TH, 1976 CONCERNING TRANS WORLD AIRLINES'
EXCESS BAGGAGE TARIFF FILING.

THE AERONAUTICAL AUTHORITIES OF SWITZERLAND HAVE TAKEN
NOTE OF THE CONTENTS OF THE ABOVE NOTE AND WOULD LIKE TO KNOW
THE REASONING OF THE US AUTHORITIES BEHIND THE VIEW THAT THE
RATE PROVISIONS OF THE BILATERAL CIVIL AVIATION AGREEMENT
BETWEEN THE UNITED STATES AND SWITZERLAND HAVE NO APPLICATION
TO IATA AGREEMENTS. THE AERONAUTICAL AUTHORITIES OF
SWITZERLAND WOULD FURTHERMORE BE INTERESTED TO LEARN WHETHER
THE US AUTHORITIES CONSIDER ANY OTHER TARIFF APPLIED
BETWEEN THE TWO COUNTRIES BY THE AIRLINES CONCERNED NOT
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BERN 03536 030241Z

COVERED BY THE BILATERAL CIVIL AVIATION AGREEMENT.

ALTHOUGHT WE HAVE SOME UNDERSTANDING FOR THE BASIC OBJECTIVE EXPLAINED IN THE NOTE, WE HAVE NEVER BEEN INFORMED OF THE US AUTHORITIES' INTENTION TO SUDDENLY AND UNILATERALLY RESCIND THE EXISTING EXCESS BAGGAGE TARIFF AND HAVE ALSO, THEREFORE, SERIOUS DOUBTS WITH REGARD TO THE PROCEDURE APPLIED BY THE US AUTHORITIES.

IT IS OUR FIRM OPINION THAT EXCESS BAGGAGE ALLOWANCES AND THE EXCESS BAGGAGE CHARGES HAVE TO BE CONSIDERED AS PART OF THOSE TARIFFS ESTABLISHED UNDER THE TERMS OF THE SWISS - US AIR SERVICES AGREEMENT. IT IS NOT RELEVANT WHETHER SUCH A TARIFF HAS BEEN AGREED UPON BY THE AIRLINES CONCERNED WITHIN IATA, BUT ESSENTIAL THAT IT HAS BEEN APPROVED BY THE AUTHORITIES OF BOTH CONTRACTING PARTIES UNDER THE TERMS OF OUR BILATERAL AGREEMENT.

AS ALREADY EXPRESSED IN THE LETTERS OF MAY 5TH AND JUNE 18TH, 1976 OF THE FEDERAL AIR OFFICE TO THE CAB THE FREE BAGGAGE ALLOWANCES AND THE EXCESS BAGGAGE TARIFF HAVE BEEN APPROVED BY THE AUTHORITIES OF BOTH CONTRACTING PARTIES AND SO FAR CHARGED BETWEEN OUR TWO COUNTRIES. THEY REMAIN IN FORCE AS LONG AS NEW TARIFFS HAVE NOT BECOME APPLICABLE IN ACCORDANCE WITH SECTION VII OF THE QUOTE SUPPLEMENTING AGREEMENT OF MAY 13TH, 1949 UNQUOTE. ANY EXCESS BAGGAGE RATE NOT APPROVED BY THE SWISS FEDERAL AIR OFFICE APPLIED BY THE AIRLINES OPERATING BETWEEN OUR TWO COUNTRIES WOULD BE CONSIDERED AS ILLEGAL. AS MENTIONED IN YOUR ABOVE NOTE IT IS THE AIRLINES THAT SHOULD TAKE ACTION TO ADJUST THE EXCESS BAGGAGE TARIFF. WE HAVE, THEREFORE, ORDERED SWISSAIR TO UNDERTAKE THOSE STEPS PROPER TO HAVE THE PROBLEM CONSIDERED WITH TWA AND THE OTHER NORTH ATLANTIC OPERATORS IN ORDER TO ELABORATE ON A NEW EXCESS BAGGAGE CHARGE TO BE SUBMITTED FOR APPROVAL SOONEST.

THE FEDERAL POLITICAL DEPT AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE ASSURANCES OF ITS HIGHEST CONSIDERATION. BERN, 15TH JULY, 1976. UNQUOTE.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BERN 03536 030241Z

3. ACTION REQUESTED: PLEASE ADVISE HOW WE SHOULD RESPOND TO FPD'S NOTE.
DAVIS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AIR CARGO, AVIATION AGREEMENTS, DIPLOMATIC NOTES, AIR FARES, PASSENGERS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BERN03536
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: 1
Film Number: D760298-0069
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760897/aaaadhku.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 154746, 76 BERN 2615
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 02 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 APR 2004 by ReddocGW>; APPROVED <14 DEC 2004 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVIL AVIATION AGREEMENT; EXCESS BAGGAGE RATES
TAGS: EAIR, SZ
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006